THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

AND

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No.22324 of 2005

Dated 14-10-2005

Between:

M/s RMC Ready Mix (India) Pvt. Ltd., rep. by its authorized Signatory, Hyderabad.
..Petitioner

And

The Additional Commissioner (CT) Legal, A.P., Office of the Commissioenr of Commercial Taxes, Hyderabad,

and two others. ..Respondents

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

AND

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION No.22324 of 2005

O R D E R: (Per Sri EDRJ)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The controversy is that pending appeal, application for stay filed by the petitioner was dismissed by the competent authority. We have gone through the record and heard learned Counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50 per cent of the disputed tax.

Therefore, we set aside the order of the authority and direct that 50 per cent of the disputed tax shall be paid by the petitioner, within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The appeal shall be disposed of within a period of two weeks from the date of deposit of the disputed tax by the petitioner. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No costs.

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(ELIPE DHARMA RAO, J)

Dated 14-10-2005

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(R.SUBHASH REDDY,J)

Note: Issue operative portion by wire at party's costs.

B/o

skm/ghn